

FILE COPY

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

RICHARD D. ESENBERG, D.C.,
RESPONDENT

FINAL DECISION AND ORDER
93 CHI 077

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Richard D. Esenberg
231 South Main Street
Jefferson, WI 53549

Chiropractic Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Richard D. Esenberg, D.C. (D.O.B. 09/28/35) is duly licensed as a chiropractor in the state of Wisconsin (license #1695). This license was first granted on November 12, 1981.

2. Dr. Esenberg's most recent address on file with the Wisconsin Chiropractic Examining Board is 235 South Main Street, Jefferson, WI 53549. Dr. Esenberg is currently practicing at 231 South Main Street, Jefferson, WI 53549.

3. On December 31, 1992, Dr. Esenberg's Wisconsin chiropractic registration expired, and Dr. Esenberg did not renew his registration until November 17, 1993. During the period of time between December 31, 1992 and November 17, 1993, Dr. Esenberg regularly performed chiropractic adjustments for compensation in Wisconsin.

5. In resolution of this matter, Dr. Esenberg consents to entry of the following Conclusions of Law and Order.

US FOLLOWING

CONCLUSIONS OF LAW

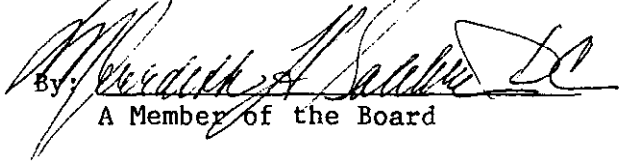
By the conduct described above, Richard D. Esenberg is subject to disciplinary action against his license to practice as a chiropractor in the state of Wisconsin, pursuant to Wis. Stats. §§446.02(1), 446.03(5) and 440.11; and Wis. Adm. Code §CHIR6.02(25).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Richard D. Esenberg is REPRIMANDED.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this Order, Dr. Esenberg shall pay 1) a forfeiture of fifty dollars \$50.00 pursuant to Wis. Stats. 440.11 and 2) partial costs of this proceeding in the amount of seventy-five (\$75.00) dollars, totalling one hundred twenty-five dollars (\$125.00). Payment shall be made via check or money order payable to the Wisconsin Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708.

CHIROPRACTIC EXAMINING BOARD

By: 
A Member of the Board

Date 1-13-94

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
RICHARD D. ESENBERG, D.C.,	:	93 CHI 077
RESPONDENT	:	

It is hereby stipulated between Richard D. Esenberg, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Esenberg's licensure by the Division of Enforcement (93 CHI 077). Dr. Esenberg consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Esenberg understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Dr. Esenberg is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

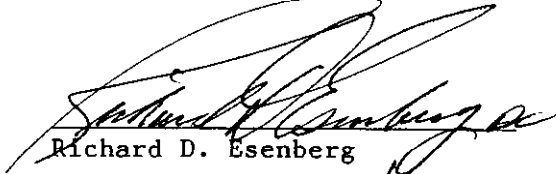
4. Dr. Esenberg agrees to the adoption of the attached Final Decision and Order by the Chiropractic Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Chiropractic Examining Board assigned as an advisor in this investigation may appear before the Chiropractic Examining Board for the purposes of speaking in support of this

agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Dr. Esenberg in recommending the Chiropractic Examining Board adopt this Stipulation and issue the attached Final Decision and Order.


Richard D. Esenberg

1-5-94
Date


Steven M. Gloe
Division of Enforcement

1.11.54
Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN CHIROPRACTIC EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

JANUARY 14, 1994.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)